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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/064,962	FORD ET AL.
	Examiner	Art Unit	
	GERARDO ARAQUE JR	3689	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 January 2010</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail. Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   **Claims 1 – 13** are rejected under 35 U.S.C. 101. Based on Supreme Court precedent and recent Federal Circuit decisions, the Office's guidance to an examiner is that a § 101 process must (1) be tied to a particular machine or apparatus or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780, 787-88 (1876).

     To qualify as a § 101 statutory process, the claim should recite the particular machine or apparatus to which it is tied, for example by identifying the machine or apparatus that accomplishes the method steps, or positively reciting the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

     There are two corollaries to the machine-or-transformation test. First, a mere field-of-use limitation is generally insufficient to render an otherwise ineligible method claim patent-eligible. This means the machine or transformation must impose meaningful limits on the method claim's scope to pass the test. Second, insignificant extra-solution activity will not transform an unpatentable principle into a patentable process. This means reciting a specific machine or a particular transformation of a

specific article in an insignificant step, such as data gathering or outputting, is not sufficient to pass the test.

Here, applicant's method steps fail the first prong of the new test because the claimed invention fails to set forth a particular machine that is specifically configured/programmed to carry out the claimed invention. Specifically, the Examiner asserts that the current claim language can be interpreted that the user, not the apparatus, is performing the claimed invention. Although an online vehicle service method is disclosed and may include the use of the computer, the Examiner asserts that the mere steps of receiving and transmitting to be nothing more than insignificant extra solution activities. Additionally, it is also asserted that the claims have also failed to set forth the specific structure that is responsible for performing the claimed receiving and transmitting steps.

Further, applicant's method steps fail the second prong of the test because there is no transformation of the data. It is asserted that the data has not been transformed into another state or into another object.

The applicant is reminded that:

"Purported transformation or manipulations simply of public or private legal obligations or relationships, business risks, or other such abstractions cannot meet the test because they are not physical objects or substances, and they are not representative of physical objects or substances. (In re Bernard L. Bilski and Rand A. Warsaw Page 28)"

Moreover, the "transformation must be central to the purpose of the claimed process.

(In re Bernard L. Bilski and Rand A. Warsaw Page 28)"

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 1 – 2, 6 – 10, 14 – 15, and 18** are rejected under 35 U.S.C. 103(a) as

being anticipated by **Bill Wink Chevrolet**

(http://web.archive.org/web/20010408092103/billwinkchevy.com/index.htm)

[hereinafter referred to as Wink] in view of **Last (US PGPub 2001/0037225 A1)**

5.   In regards to **claim 1**, **Wink** discloses an online method for advising a customer

on service needs and facilitating the scheduling of a vehicle service appointment, the

method comprising **(Page 16 – 17; wherein a website allowing for the scheduling of**

vehicle services is provided):

- receiving a service inquiry wherein the service inquiry is selected from the

    group consisting:

    i.   a service request, a scheduled maintenance request, and a recall

    request **(Page 16 – 17, 32; wherein a website allowing for the**

    scheduling of vehicle servicing is provided and allows for the user to

    describe the problems the vehicle is having);

- receiving input information regarding the potential service of the vehicle

    (Page 16 – 17; wherein a website is provided to allow a user to input

    information regarding the potential service of the vehicle) wherein

i.   **IF** the service inquiry is a service request, the input information

includes information defining vehicle symptoms pertinent to the service

request **(Page 16 – 17; wherein a website is provided to allow a user**

to input vehicle symptoms pertinent to the service request) *OR*

ii.   **IF** the service inquiry is the scheduled maintenance request *OR* the

recall request, the input information includes a vehicle identification

number *OR* the vehicle make, vehicle model year, and vehicle model

wherein the input information is used to determine whether service is

advised for the vehicle **(Page 16 – 17; wherein a website is provided to**

allow a user to input vehicle information, such as make, model, year.

Moreover, while the Examiner asserts that the Examiner has met the

claim limitations one of ordinary skill in the art would have found it

obvious that other information that may be pertinent to the servicing

of the vehicle could/would be provided, such as the vehicle

identification number (VIN). Although Wink does not explicitly

disclose a field to input the VIN, one of ordinary skill in the art would

have recognized the importance to further include the VIN as part of

the inputted information since it is extremely old and well known that

the VIN allows a service provider to determine important information

associated with the specific vehicle, such as, but not limited to,

recalls, vehicle specifications, owner, and etc.); and

- transmitting, from a DMS or vehicle service provider computer, the input information and an appointment request to a vehicle service provider to facilitate the scheduling of the vehicle service appointment **(Page 16 – 17 wherein a website is provided to allow a user to transmit inputted information and appointment request to a vehicle service provider)**.

- receiving an appointment request relating to one of the plurality of open appointments **(Page 16 – 17 wherein it is obvious that the appointment request is received in order to allow the service provider to confirm the appointment)**;

- storing the vehicle service appointment in a memory associated with the DMS or in a vehicle service provider database **(wherein the requested service appointment is transmitted over the Internet and obviously stored on the service provider's database until a response is sent back to the user; Also, in view of the combination discussed below, Last also discloses that the selected time slots are stored within the service providers database by using the LMTT tee time reservation system.)**.

Wink discloses a method and system of scheduling an appointment with a vehicle service provider **(Page 16 – 17)** as well as providing hours of availability **(Page 32)**, but fails to explicitly disclose:

- transmitting a plurality of **open/available appointments/reservation times**, wherein each of the plurality of open appointments is comprised of a pre-

selected date and time based on available appointment dates and times for a

vehicle service provider;

- displaying a plurality of selectable dates having available times associated

  therewith, wherein selection of a selectable date causes further display of all

  the available appointment times on that date in which an appointment can still

  be scheduled;

However, **Last** teaches transmitting a plurality of available time slots for a user to

schedule a reservation/appointment, wherein the available times comprise dates and

times for the appointments/reservations **(Figure 2 – 3; Page 3 ¶ 31; at least Claim 7)**.

Last additionally discloses that a user is allowed to select specific dates or range of

dates which have associated availability time slots **(Figure 2)**. Further, upon selection

of a specific date the users is allowed to view the specific availability slots for the

specific date or range of dates **(Figure 2)**.

Although, **Last** is directed towards the scheduling of tee times and not towards

the scheduling of vehicle services it is asserted that one of ordinary skill in the art would

have recognized that both share the key element of facilitating scheduling for a

particular service by showing available times slots. That is to say, one of ordinary skill

in the art would have recognized that alternate methods for facilitating scheduling are

well known in the art of scheduling.

As a result, one of ordinary skill in the art would have recognized that an

alternate method of scheduling includes the method of initially providing open time slots

that have yet to be reserved instead of having the service provider to call and confirm

whether the slot has been reserved. Providing such a feature to a user allows for the

service provider to focus on other tasks at hand and have one less issue to worry about.

Moreover, providing an automated system as taught by **Last** allows for the elimination

of human error on the service provider's side.

Therefore, it would have been obvious to one having ordinary skill in the art at

the time of the invention to modify the invention of **Wink** in view of the teachings of **Last**

since each individual element and its function are shown in the prior art, albeit shown in

separate references, the differences between the claimed invention and the prior art

rests not on any individual element or function but in the very combination itself-that is in

the substitution of an automated scheduling system that provides open time slots, as

taught by **Last**, for the manual scheduling system, as taught by **Wink**.

Thus, the simple substitution of one known element for another producing a

predictable result renders the claim obvious.

Further still, it would have also been obvious to one having ordinary skill in the art

at the time the invention was made to automate the scheduling process, since it has

been held that broadly providing a mechanical or automatic means to replace a manual

activity which has accomplished the same result involves only routing skill in the art. *In

re Venner*, 120 USPQ 192.

In addition, the Examiner takes **Official Notice** that it is old and well known to

provide open/available appointments/reservations to customers as evidenced by the

provided references disclosed in the 892 Form - Notice of References Cited **(Voorhees

2004/0039626 A1 at least Figure 6; Rapp et al. 20020116232 A1 at least Figure 12;**

Whyel 2001/0027481 A1 at least ¶ 12, 14; Rose et al. 7,069,228 B1 at least Figure 10; O'Connor et al. 2001/0011225 A1 at least Figure 2; Last 7,249,041 B2 at least Figure 2B; Glazer et al. 2002/0032588 A1 at least Figure 2). The Examiner asserts that one of ordinary skill in the art would have recognized that when providing a service that requires a specific date and time for a customer to come in it is necessary to first provide the customer with the available dates and times. In other words, it is old and well known to provide a customer with a plurality of availability options and to have the customer select one of the options in order to reserve the selected time slot and guarantee the service to them.

Finally, although patentable weight was given regarding the type of request that is being selected, i.e. "service" request and what the field of endeavor is directed towards the Examiner asserts them to be nothing more than non-functional descriptive subject matter. One of ordinary skill in the art would have recognized that what one may call the request, i.e. service, scheduled maintenance, or recall, does not affect how the steps of the method are carried out as set forth in the claims. In other words, regardless of the type of request one of ordinary skill in the art would have found it obvious that the steps required to schedule an appointment would be unaffected. The type of request or the name that you give the request adds little, if anything, to the steps of the method, and, thus, does not serve as a limitation on the claims to distinguish over the prior art. As claimed, the steps of the invention, i.e. receiving, inputting, and transmitting information for the purpose of scheduling an appointment, would be the same.

As a further note, the Examiner notes that many of the limitations of the claims are conditional, e.g. if the service inquiry is a service request or if the service inquiry is a scheduled maintenance, and etc., and are not being positively claimed. The claimed invention is directed towards potential services, i.e. services that may or may not be provided as some point later in time. The limitations are based on conditions that a user may or may not select and are claimed in a manner that one of ordinary skill in the art would recognize as not being performed, i.e. not being positively recited.

6.   In regards to **claim 2, the combination of Wink and Last** discloses wherein the service inquiry is the service request and wherein the input information defining vehicle symptoms pertinent to the service request includes a vehicle symptom string **(Wink Page 16 – 17; wherein a website is provide to allow a user to input a vehicle symptom string)**.

7.   In regards to **claim 6, the combination of Wink and Last** discloses wherein the service inquiry is selected by the customer **(Wink Page 16 – 17 wherein one of ordinary skill in the art would have found it obvious that the comment box allows the user to determine the desired service inquiry, such as, but not limited to, a simple oil change, tire rotations, engine trouble, and etc.).**

8.   In regards to **claim 7, the combination of Wink and Last** discloses receiving available appointment dates and arrival times from the vehicle service provider **(Wink Page 16 – 17, 32 wherein a website is provided to allow a user to receive available appointment dates (Monday - Friday) and hours of availability; Last Figure 2 – 3;**

Page 3 ¶ 31; at least Claim 7 wherein a user is provided with available appointment dates and times from a service provider).

9.   In regards to **claim 8, the combination of Wink and Last** discloses wherein the service inquiry is the vehicle maintenance request and further comprising retrieving a vehicle maintenance schedule for the vehicle based on the input information **(Wink Page 16 – 17 wherein one of ordinary skill in the art would have found it obvious that the service appointment includes a vehicle maintenance request, such as, but not limited to, an oil change, tire rotation, and etc.).**

10.   In regards to **claim 10, the combination of Wink and Last** discloses transmitting to the customer the input information to the customer prior to transmitting the input information and the appointment request **(Page 16 – 17 wherein the input information regarding, at least, the make/model and year is transmitted to the customer prior to transmitting the appointment request).**

11.   In regards to **claims 11 – 13, Wink** discloses an online vehicle service method comprising: receiving a service inquiry wherein the service inquiry is selected from the group comprising **(Page 16 – 17; wherein a website allowing for the scheduling of vehicle services is provided):**

- a service request, a scheduled maintenance request, a recall request, and a vehicle status request **(Page 16 – 17, 32; wherein a website allowing for the scheduling of vehicle servicing is provided and allows for the user to describe the problems the vehicle is having);**

- receiving input information regarding the potential service of the vehicle

  (Page 16 – 17; wherein a website is provided to allow a user to input information regarding the potential service of the vehicle) wherein

     i.   ___IF___ the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request **(Page 16 – 17; wherein a website is provided to allow a user to input vehicle symptoms pertinent to the service request)** ___OR___

     ii.   ___IF___ f the service inquiry is the scheduled maintenance request ___OR___ the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model wherein the input information is used to determine whether service is advised for the vehicle **(Page 16 – 17; wherein a website is provided to allow a user to input vehicle information, such as make, model, year. Moreover, while the Examiner asserts that the Examiner has met the claim limitations one of ordinary skill in the art would have found it obvious that other information that may be pertinent to the servicing of the vehicle would be provided, such as the vehicle identification number (VIN). Although Wink does not explicitly disclose a field to input the VIN, one of ordinary skill in the art would have recognized the importance to further include the VIN as part of the inputted information since it is extremely old and well known that the VIN allows a service provider to determine important information**

      associated with the specific vehicle, such as, but not limited to,

      recalls, vehicle specifications, owner, and etc.)

- transmitting<u>, from a DMS or vehicle service provider computer,</u> the input

  information and an appointment request to a vehicle service provider to

  facilitate the scheduling of the vehicle service appointment **(Page 16 – 17**

  wherein a website is provided to allow a user to transmit inputted

  information and appointment request to a vehicle service provider).

- receiving an appointment request relating to one of the plurality of open

  appointments **(Page 16 – 17 wherein it is obvious that the appointment**

  request is received in order to allow the service provider to confirm the

  appointment).

- <u>storing the vehicle service appointment in a memory associated with the DMS</u>

  <u>or in a vehicle service provider database</u> **(wherein the requested service**

  appointment is transmitted over the Internet and obviously stored on

  the service provider's database until a response is sent back to the

  user; Also, in view of the combination discussed below, Last also

  discloses that the selected time slots are stored within the service

  providers database by using the LMTT tee time reservation system.).

However, **Wink** does not explicitly disclose providing the status information of a

vehicle and providing the information. Namely, **Wink** does not explicitly disclose.

      iii.   *IF* the service inquiry is the vehicle status request, the input

           information includes an at least last name of a customer checking on the

vehicle status wherein the input information is used to determine the

vehicle status;

receiving vehicle status information from the vehicle service provider; and

transmitting to the customer the vehicle status information.

However, it is old and well known in the art for customers to input information into

an online service provider to know that status of their service. For example, finding the

status of a package being sent through them through UPS, FedEx, and etc. is only a

matter of having the customer go online and inputting the information at either the

above mentioned carriers or at the service providers website, such as Amazon.com. It

is old and well known for customers to call a mechanic in order to know the status of

their vehicle by providing their name or the vehicle type. One skilled in the art would

have found it obvious to carry over this same type of service to the online system

provided by **Wink**, especially since **Wink** discloses that the customer's contact

information is being provided. It would be poor business practice for a mechanic to

provide an online system and providing fewer services than those that are provided in

person or over the phone since it would cause customers to not use the online service.

Therefore, it would have been obvious to one having ordinary skill in the art at

the time of the invention to provide a vehicle status option as is already known in the art

into the system of **Wink** in order for a vehicle maintenance service provider to continue

providing the same quality of service that is provided over the phone or in person and

allowing a customer to know the status of their vehicle in order to determine whether

alternate traveling measures should be considered or to be aware of their vehicles situation.

Wink discloses a method and system of scheduling an appointment with a vehicle service provider **(Page 16 – 17)** as well as providing hours of availability **(Page 32)**, but fails to explicitly disclose:

- transmitting a plurality of open appointments, wherein each of the plurality of open appointments is comprised of a preselected date and time based on available appointment dates and times for a vehicle service provider;

- <u>displaying a plurality of selectable dates having available times associated therewith, wherein selection of a selectable date causes further display of all the available appointment times on that date in which an appointment can still be scheduled;</u>

However, **Last** discloses that it is old and well known to provide an alternate method of scheduling **(Figure 2 – 3; Page 3 ¶ 31; at least Claim 7)**. **Last** additionally discloses that a user is allowed to select specific dates or range of dates which have associated availability time slots **(Figure 2)**. Further, upon selection of a specific date the users is allowed to view the specific availability slots for the specific date or range of dates **(Figure 2)**.

Although, **Last** is directed towards the scheduling of tee times and not towards the scheduling of vehicle services it is asserted that one of ordinary skill in the art would have recognized that both share the key element of facilitating scheduling of a particular

service. That is to say, one of ordinary skill in the art would have recognized that alternate methods for facilitating scheduling are well known in the art of scheduling.

As a result, one of ordinary skill in the art would have recognized that an alternate method of scheduling includes the method of initially providing open time slots that have yet to be reserved instead of having the service provider to call and confirm whether the slot has been reserved. Providing such a feature to a user allows for the service provider to focus on other tasks at hand and have one less issue to worry about. Moreover, providing an automated system as taught by **Last** allows for the elimination of human error on the service provider's side.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the invention of **Wink** in view of the teachings of **Last** since each individual element and its function are shown in the prior art, albeit shown in separate references, the differences between the claimed invention and the prior art rests not on any individual element or function but in the very combination itself-that is in the substitution of an automated scheduling system that provides open time slots, as taught by **Last**, for the manual scheduling system, as taught by **Wink**.

Thus, the simple substitution of one known element for another producing a predictable result renders the claim obvious.

Further still, it would have also been obvious to one having ordinary skill in the art at the time the invention was made to automate the scheduling process, since it has been held that broadly providing a mechanical or automatic means to replace a manual

activity which has accomplished the same result involves only routing skill in the art. *In re Venner*, 120 USPQ 192.

In addition, the Examiner takes **Official Notice** that it is old and well known to provide open/available appointments/reservations to customers as evidenced by the provided references disclosed in the 892 Form - Notice of References Cited **(Voorhees 2004/0039626 A1 at least Figure 6; Rapp et al. 20020116232 A1 at least Figure 12; Whyel 2001/0027481 A1 at least ¶ 12, 14; Rose et al. 7,069,228 B1 at least Figure 10; O'Connor et al. 2001/0011225 A1 at least Figure 2; Last 7,249,041 B2 at least Figure 2B; Glazer et al. 2002/0032588 A1 at least Figure 2).** The Examiner asserts that one of ordinary skill in the art would have recognized that when providing a service that requires a specific date and time for a customer to come in it is necessary to first provide the customer with the available dates and times. In other words, it is old and well known to provide a customer with a plurality of availability options and to have the customer select one of the options in order to reserve the selected time slot and guarantee the service to them.

Finally, although patentable weight was given regarding the type of request that is being selected, i.e. "service" request and what the field of endeavor is directed towards the Examiner asserts them to be nothing more than non-functional descriptive subject matter. One of ordinary skill in the art would have recognized that what one may call the request, i.e. service, scheduled maintenance, status, or recall, does not affect how the steps of the method are carried out as set forth in the claims. In other words, regardless of the type of request one of ordinary skill in the art would have found

it obvious that the steps required to schedule an appointment would be unaffected. The

type of request or the name that you give the request adds little, if anything, to the steps

of the method, and, thus, does not serve as a limitation on the claims to distinguish over

the prior art. As claimed, the steps of the invention, i.e. receiving, inputting, and

transmitting information for the purpose of scheduling an appointment, would be the

same.

As a further note, the Examiner notes that many of the limitations of the claims

are conditional, e.g. if the service inquiry is a service request or if the service inquiry is a

scheduled maintenance, and etc., and are not being positively claimed. The claimed

invention is directed towards potential services, i.e. services that may or may not be

provided as some point later in time. The limitations are based on conditions that a user

may or may not select and are claimed in a manner that one of ordinary skill in the art

would recognize as not being performed, i.e. not being positively recited.

12.   In regards to **claim 14**, **Wink** discloses an online system for advising a customer

on service needs and facilitating the scheduling of a vehicle service appointment, the

system comprising **(Page 16 – 17; wherein a website allowing for the scheduling of**

vehicle services is provided)

- at least one server computer operably serving at least one client computer,

  the at least one server computer configured to:

          (i) receive a service inquiry wherein the service inquiry is selected

  from the group comprising: a service request, a scheduled maintenance

  request, and a recall request **(Page 16 – 17, 32; wherein a website**

allowing for the scheduling of vehicle servicing is provided and

allows for the user to describe the problems the vehicle is having);

(ii) receive input information regarding the potential service of the

vehicle **(Page 16 – 17; wherein a website is provided to allow a user to**

input information regarding the potential service of the vehicle)

wherein

(a)   _IF_ the service inquiry is a service request, the input

information includes information defining vehicle symptoms

pertinent to the service request **(Page 16 – 17; wherein a**

website is provided to allow a user to input vehicle

symptoms pertinent to the service request) _OR_

(b)   _IF_ the service inquiry is the scheduled maintenance

request _OR_ the recall request, the input information includes

a vehicle identification number or the vehicle make, vehicle

model year, and vehicle model wherein the input information

is used to determine whether service is advised for the

vehicle **(Page 16 – 17; wherein a website is provided to**

allow a user to input vehicle information, such as make,

model, year. Moreover, while the Examiner asserts that

the Examiner has met the claim limitations one of

ordinary skill in the art would have found it obvious that

other information that may be pertinent to the servicing

of the vehicle would be provided, such as the vehicle

identification number (VIN). Although Wink does not

explicitly disclose a field to input the VIN, one of

ordinary skill in the art would have recognized the

importance to further include the VIN as part of the

inputted information since it is extremely old and well

known that the VIN allows a service provider to

determine important information associated with the

specific vehicle, such as, but not limited to, recalls,

vehicle specifications, owner, and etc.); and

- (v) receive an appointment request relating to one of the plurality of open appointments **(Page 16 – 17 wherein it is obvious that the appointment request is received in order to allow the service provider to confirm the appointment)**.

- (vi) transmit the input information and an appointment request to a vehicle service provider to facilitate the scheduling of the vehicle service appointment **(Page 16 – 17 wherein a website is provided to allow a user to transmit inputted information and appointment request to a vehicle service provider)**:

Wink discloses a method and system of scheduling an appointment with a vehicle service provider **(Page 16 – 17)** as well as providing hours of availability **(Page 32)**, but fails to explicitly disclose:

- (iii) transmitting a plurality of open appointments, wherein each of the plurality of open appointments is comprised of a preselected date and time based on available appointment dates and times for a vehicle service provider;

- (iv) display a plurality of selectable dates having available times associated therewith, wherein selection of a selectable date causes further display of all the available appointment times in which an appointment can still be scheduled;

However, **Last** discloses that it is old and well known to provide an alternate method of scheduling **(Figure 2 – 3; Page 3 ¶ 31; at least Claim 7)**. **Last** additionally discloses that a user is allowed to select specific dates or range of dates which have associated availability time slots **(Figure 2)**. Further, upon selection of a specific date the users is allowed to view the specific availability slots for the specific date or range of dates **(Figure 2)**.

Although, **Last** is directed towards the scheduling of tee times and not towards the scheduling of vehicle services it is asserted that one of ordinary skill in the art would have recognized that both share the key element of facilitating scheduling of a particular service. That is to say, one of ordinary skill in the art would have recognized that alternate methods for facilitating scheduling are well known in the art of scheduling.

As a result, one of ordinary skill in the art would have recognized that an alternate method of scheduling includes the method of initially providing open time slots that have yet to be reserved instead of having the service provider to call and confirm whether the slot has been reserved. Providing such a feature to a user allows for the

service provider to focus on other tasks at hand and have one less issue to worry about.
Moreover, providing an automated system as taught by **Last** allows for the elimination
of human error on the service provider's side.

Therefore, it would have been obvious to one having ordinary skill in the art at
the time of the invention to modify the invention of **Wink** in view of the teachings of **Last**
since each individual element and its function are shown in the prior art, albeit shown in
separate references, the differences between the claimed invention and the prior art
rests not on any individual element or function but in the very combination itself-that is in
the substitution of an automated scheduling system that provides open time slots, as
taught by **Last**, for the manual scheduling system, as taught by **Wink**.

Thus, the simple substitution of one known element for another producing a
predictable result renders the claim obvious.

Further still, it would have also been obvious to one having ordinary skill in the art
at the time the invention was made to automate the scheduling process, since it has
been held that broadly providing a mechanical or automatic means to replace a manual
activity which has accomplished the same result involves only routing skill in the art. *In
re Venner*, 120 USPQ 192.

In addition, the Examiner takes **Official Notice** that it is old and well known to
provide open/available appointments/reservations to customers as evidenced by the
provided references disclosed in the 892 Form - Notice of References Cited **(Voorhees
2004/0039626 A1 at least Figure 6; Rapp et al. 20020116232 A1 at least Figure 12;
Whyel 2001/0027481 A1 at least ¶ 12, 14; Rose et al. 7,069,228 B1 at least Figure**

10; O'Connor et al. 2001/0011225 A1 at least Figure 2; Last 7,249,041 B2 at least

Figure 2B; Glazer et al. 2002/0032588 A1 at least Figure 2). The Examiner asserts

that one of ordinary skill in the art would have recognized that when providing a service

that requires a specific date and time for a customer to come in it is necessary to first

provide the customer with the available dates and times. In other words, it is old and

well known to provide a customer with a plurality of availability options and to have the

customer select one of the options in order to reserve the selected time slot and

guarantee the service to them.

Finally, although patentable weight was given regarding the type of request that

is being selected, i.e. "service" request and what the field of endeavor is directed

towards the Examiner asserts them to be nothing more than non-functional descriptive

subject matter. One of ordinary skill in the art would have recognized that what one

may call the request, i.e. service, scheduled maintenance, or recall, does not affect how

the steps of the method are carried out as set forth in the claims. In other words,

regardless of the type of request one of ordinary skill in the art would have found it

obvious that the steps required to schedule an appointment would be unaffected. The

type of request or the name that you give the request adds little, if anything, to the steps

of the method, and, thus, does not serve as a limitation on the claims to distinguish over

the prior art. As claimed, the steps of the invention, i.e. receiving, inputting, and

transmitting information for the purpose of scheduling an appointment, would be the

same.

As a further note, the Examiner notes that many of the limitations of the claims are conditional, e.g. if the service inquiry is a service request or if the service inquiry is a scheduled maintenance, and etc., and are not being positively claimed. The claimed invention is directed towards potential services, i.e. services that may or may not be provided as some point later in time. The limitations are based on conditions that a user may or may not select and are claimed in a manner that one of ordinary skill in the art would recognize as not being performed, i.e. not being positively recited.

13.   In regards to **claim 15, the combination of Wink and Last** discloses wherein the at least one server computer is additionally configured to receive available appointment dates and arrival times from the vehicle service provider **(Wink Page 16 – 17, 32 wherein a website is provided to allow a user to receive available appointment dates (Monday - Friday) and hours of availability; Last Figure 2 – 3; Page 3 ¶ 31; at least Claim 7 wherein a user is provided with available appointment dates and times from a service provider).**

14.   In regards to **claim 18, the combination of Wink and Last** discloses wherein the service inquiry is the service request and wherein the input information defining vehicle symptoms pertinent to the service request includes a vehicle symptom string **(Wink Page 16 – 17; wherein a website is provide to allow a user to input a vehicle symptom string).**

15.   **Claims 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bill**

Wink Chevrolet

(**http://web.archive.org/web/20010408092103/billwinkchevy.com/index.htm**)

[hereinafter referred to as Wink] in view of **Last (US PGPub 2001/0037225 A1)** in

further view of **Jim Mateja (Monroney Label a Window of Opportunity for Sellers)**.

16.   In regards to **claim 9**, as discussed above, it would have been obvious to include

the act of inputting a VIN into the system as a means of acquiring additional information

about a particular vehicle.

However, **Wink** fails to explicitly disclose:

wherein the service inquiry is the recall request and further comprising

determining whether a recall exists for the customer's vehicle based on the input

information.

Mateja, however, discloses that it is old and well known in the art to provide a

VIN into a dealer's computer to determine whether a recall exists for a vehicle. As a

result, it would have been obvious to look upon **Mateja** as a teaching for **the**

combination of Wink and Last to provide recall information to a dealer when a VIN is

inputted into the system of **the combination of Wink and Last** so that a full list of

recommended services can be provided to a user.

Therefore, it would have been obvious to one having ordinary skill in the art at

the time of the invention to modify **the combination of Wink and Last** in view of the

teachings of **Mateja** to input a VIN into the dealer management system in order to

provide a customer with a thorough report of recommended services.

17.   Claims 3 – 5, 16 – 17, and 19 – 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Bill Wink Chevrolet**

(http://web.archive.org/web/20010408092103/billwinkchevy.com/index.htm)

[hereinafter referred to as Wink] in view of **Last (US PGPub 2001/0037225 A1)** in

further view of **Blasingame et al. (US 2002/0022975 A1)**.

18.   In regard to **claims 3 and 19, the combination of Wink and Last** are discussed

above, but fails to disclose:

        determining an at least two symptom probing questions based on the vehicle

symptom string and for obtaining at least two symptom probing answers from the

customer.

        However, **Blasingame** discloses a method of scheduling patients with the use of

a pre-visit patient summary, which comprises medical "key" questions regarding to the

patient's condition **(Page 1 ¶ 10; Page 5 ¶ 88)**. In other words, **Blasingame** discloses

a system and method wherein initial symptom information regarding a user is acquired

and based on that information at least two symptom probing questions are provided and

the answers to those questions are provided by the customer. Although the

Blasingame is in regard to medical diagnosis, the Examiner asserts that one of

ordinary skill in the art would have recognized that both, **the combination of Wink and

Last and Blasingame**, are directed towards the concept of inputting information into a

system to determine a final solution to a problem based on questions that the user is required to answer, which is further based on a symptom string provided by a user. One of ordinary skill in the art would have recognized the importance of implementing a decision tree structure, as taught by **Blasingame**, into the system and method of **the combination of Wink and Last** as a means of searching and identifying the problem at hand in regards to the vehicle and ensuring that the mechanic/dealership is capable of solving the issue.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **the combination of Wink and Last** in view of the teachings of **Blasingame** to include a symptom probing question process based on the vehicle symptom string in order for the dealership/mechanic to be aware of what would be expected when the vehicle comes in for repairs.

19.   In regard to **claims 4 and 20, the combination of Wink/Last/Blasingame/** is discussed above and further discloses the transmission of information to the customer **(Wink Page 16 – 17; Blasingame Page 1 ¶ 10; Page 5 ¶ 88; wherein questions regarding the situation of the user is transmitted to the user)**.

20.   In regards to **claim 5, the combination of Wink/Last/Blasingame** would transmit to the vehicle service provider the answers to the at least two symptom probing questions, as is discussed above **(see also Wink Page 16 – 17; Blasingame Page 1 ¶ 10; Page 5 ¶ 88; wherein the answers to the question are obviously being transmitted to the service provider)**.

21.   In regards to **claims 16 and 17, the combination of Wink/Last/Blasingame/**

discloses the use of XML is old and well known to transport information **(see at least**

Blasingame Page 3 ¶ 72).

RESPONSE TO ARGUMENTS

22.   Applicant's arguments with respect to **claims 1 – 20** have been considered but

are moot in view of the new ground(s) of rejection.

Rejection under 35 USC 101

23.   The rejection under 35 USC 101 is **maintained**. As discussed in the prior Office

Action, the claim discloses a computer system, but is used to carry out insignificant

extra solution activities. The applicant argues that the information is transformed

because it is being, "transformed from a state of not storing the appointment to a state

of storing the appointment." However, as discussed in the rejection above and *In re*

Bilski, the transformation must be central to the purpose of the claimed process and the

underlying subject matter must change to a different state or thing. Disclosing that the

data is describing something else is not considered a transformation.

Other Matters

24.   The Examiner asserts that the applicant's arguments are directed towards the

newly amended limitations that were not previously considered. As such, the

arguments are moot and an explanation of how the prior art discloses the newly

amended limitations is discussed above.

Conclusion

25.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to GERARDO ARAQUE JR whose telephone number is

(571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM -

4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

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/G. A./
Examiner, Art Unit 3689
3/23/2010

/Dennis Ruhl/
Primary Examiner, Art Unit 3689